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JFN

Docket No.: 00152-00267-US
FRIEL-104(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Provisional Application of:
Tom Long, et al.

Conf. No.: 8519

Application No.: 10/774,329

Group Art Unit: 3742

Filed: February 5, 2004

Examiner: Not Yet Assigned

For: APPARATUS FOR BREWING BEVERAGES

PETITION TO BE ACCORDED FILING DATE

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is being filed in response to the "Notice of Omitted Item(s) in a NonProvisional Application" for the above identified case. The notice indicated that Figures 15 and 16 were omitted with the papers which were filed on February 5, 2004. Attached hereto is a copy of the notice along with those figures.

Applicants, however, submit that the application as originally filed on February 5, 2004, included all of the sheets of drawings, including the sheet of drawings containing Figures 15 and 16. Attached hereto is a copy of a return postcard submitted with the filing of the application. The postcard contains the PTO stamp date of February 5, 2004. In addition, the postcard has various handwritten information applied on behalf of applicants identifying the application and its contents. One of the items of contents which is checked is for drawings and specifically the drawings are identified as being six sheets. This corresponds to the total number of sheets of drawings wherein Figures 15 and 16 are on the sixth sheet.

Although it is not known why the sheet of drawings containing Figures 15 and 16 were not in the PTO copy of the application submitted on February 5, 2004, those drawings were


included with the set of drawings submitted with the application on February 5, 2004, as confirmed by the attached copy of the postcard.

The Commissioner is hereby authorized to charge Deposit Account No. 03-2775 for the \$130.00 petition fee and any other fee necessary for this petition. If it is determined that the drawings which were thought to be omitted had been received by the U.S.P.T.O., it is requested that the petition fee be refunded.

In view of the above, it is respectfully requested that this application be accorded the filing date of February 5, 2004.

Dated: May 21, 2004

Respectfully submitted,

By 
Harold Pezzner

Registration No.: 22,112
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Attorney for Applicant



Application No. (if known): 10/774,329

Attorney Docket No.: 00152-00267 (FRIEL-104)

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. _____ in an envelope addressed to:

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on May 21, 2004
Date


Signature

Shirley E. Brooks
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Petition to be Accorded Filing Date



152*267

Serial/Intf. No.: - Docket No.: Friel-104 Atty: HP/sb

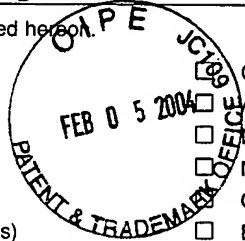
Names: Tom Long, et al.

Title: Improved Apparatus ...

The following, due 2-6-04 in the U.S. Patent Office, has been received there on the date stamped hereon.

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Declaration or | <input type="checkbox"/> Oath | <input checked="" type="checkbox"/> Check(s) _____ |
| <input checked="" type="checkbox"/> Power of Attorney | | <input type="checkbox"/> Amendment or Response |
| <input checked="" type="checkbox"/> Specification | <input checked="" type="checkbox"/> Claims | <input type="checkbox"/> Declaration or Affidavit |
| <input type="checkbox"/> Preliminary Amendment | | <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Brief |
| <input type="checkbox"/> Assignment/Cover Sheet | | <input type="checkbox"/> CPA/DIV/CIP |
| <input checked="" type="checkbox"/> Drawing(s) <u>6</u> sheet(s) | | <input type="checkbox"/> Extension of Time |
| <input type="checkbox"/> Priority Document(s) | | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Disclosure Statement (Rule 56/97) | | <input type="checkbox"/> Prelim. Statement <input type="checkbox"/> Motion |
| <input type="checkbox"/> PTO 1449 w/reference(s) | | <input checked="" type="checkbox"/> Letter |
| <input type="checkbox"/> PTO 1533 Submission of Missing Parts | | <input checked="" type="checkbox"/> Auth. to Charge Depo. Act. |

CB307 1/98 OD





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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/774,329	02/05/2004	Tom Long	FRIEL-104

Connolly Bove Lodge & Hutz LLP
 P.O. Box 2207
 Wilmington, DE 19899-2207

CONFIRMATION NO. 8519

FORMALITIES LETTER



OC000000012559576

Date Mailed: 05/07/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **15 & 16** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required.

A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

T. Ketsela

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Fig. 15.

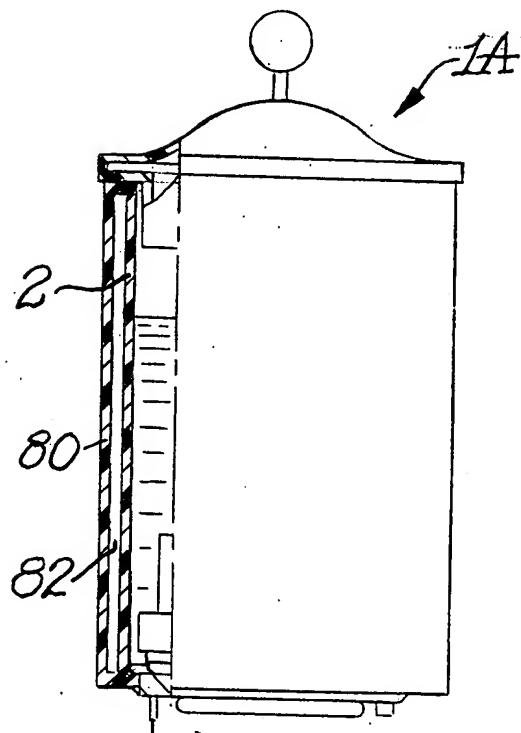


Fig. 16.

